



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
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September 27, 2016

Mr. Justin A. Gordon - #169177  
Pendleton Correctional Facility  
4490 West Reformatory Road  
Pendleton, Indiana 46064

*Re: Formal Complaint 16-FC-210; Alleged Violation of the Access to Public Records Act by the Pendleton Correctional Facility*

Dear Mr. Gordon:

This advisory opinion is in response to your formal complaint alleging the Pendleton Correctional Facility ("Facility") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. Ms. Michelle Raines responded on behalf of the Facility. Her response is enclosed for your review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on August 29 2016.

## **BACKGROUND**

Your complaint dated August 16, 2016, alleges the Pendleton Correctional Facility violated the Access to Public Records Act by not fulfilling your records request. On or about August 12, 2016, you requested from the Facility a copy of the Offender Restrictive Status Housing State Form which you had paid for and told was available for disclosure. You filed your complaint before the Facility had an opportunity to fulfill your request on August 18, 2016.

## **ANALYSIS**

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See Indiana Code § 5-14-3-1*. The Pendleton Correctional Facility is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1)*. Accordingly, any person has the right to inspect and copy the Facility's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

Your records request was fulfilled and satisfied on August 18, 2016, a few days after your complaint was written. The Facility properly acted in disclosing the documents you sought.

### **CONCLUSION**

Based on the foregoing, in the opinion of the Public Access Counselor the Pendleton Correctional did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Michelle Rains